

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03419

Air I 4 1998

[REDACTED]
[REDACTED]
COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His narrative reason for discharge be changed from "Misconduct-Minor Disciplinary Infractions" to "Convenience of the Government."

APPLICANT CONTENDS THAT:

He performed his duties above and beyond what is expected. He was a victim of selective enforcement by his supervisor who had a personal conflict with him (applicant). Applicant states that his supervisor has not been disciplined for his unacceptable actions and remarks. He (applicant) does not want this discharge to negatively affect his future as a civilian.

Applicant's submission is attached at Exhibit A.

STATEMENT OF FACTS:

Applicant enlisted in the Regular Air Force on 14 December 1993 for a period of four years in the grade of airman basic (E-1

While serving in the grade of airman first class, applicant's squadron commander notified applicant that he was being recommended for discharge for misconduct consisting of minor disciplinary infractions and, if the recommendation was approved, applicant's service would be characterized as general. The reasons were: (a) On or about 30 November 1995, applicant conducted himself in an unprofessional manner and failed to follow proper procedures by reading files in the 48 CPTF accounting and finance office going through another squadron's files that he was not authorized to review (sic). He received a Letter of Reprimand on 6 December 1995 which was placed in his Unfavorable Information File (UIF) on 11 December 1995. (b) On 13 October 1995, he improperly issued a ration card. He falsified government documents by stating he destroyed the old ration card when the original ration card was never presented to the personnel and administration section for proper destruction.

He received a Letter of Counseling on 16 October 1995. (c) On or about 29 March 1995, he was found trespassing upon the British Railway by the British Transport Police. He was given an official police caution by letter from the British Transport Police dated 30 March 1995. (d) On 22 March 1995, the squadron was not fully manned and he was told to reschedule an appointment he had made. Applicant said no and went to the appointment. He received a Letter of Counseling dated 3 April 1995. (e) On or about 12 December 1994, he accessed the appointment system, in which he had not been officially trained, and booked an appointment in a slot not authorized to him. He received a Letter of Reprimand dated 14 December 1994. (f) On 30 November 1994, he was rude and had a negative attitude while working the outpatient records customer service window. Also, while looking for a record in the back of the office, he slammed the records cart in frustration that he had to look for a misplaced record which he did not thoroughly search for. He received a Letter of Counseling dated 5 December 1994. (g) On 23 November 1994, he was informed that if he wanted to travel to the Continent he must be on ordinary leave. He took leave from 21 Nov 94 - 23 Nov 94 and was found departing England for Germany. He did not return to England, however, until 26 or 27 Nov 94. He received a Memo for Record dated 5 December 1994. (h) On 9 November 1994, he was not at his duty section at the prescribed time and also failed to obey an order to obtain a new office key. He received a letter of Reprimand dated 9 November 1994. (i) On 3 August 1994, it was brought to the attention of his squadron that he failed to attend mandatory briefings and displayed a lackadaisical attitude towards his assigned duties. He received a Letter of Counseling on 3 August 1994. Applicant acknowledged receipt of the notification of discharge on 13 December 1995, and acknowledged that he had been given an appointment to consult military legal counsel. He understood that this action may result in his discharge from the Air Force with a general discharge and that his failure to consult counsel or to submit statements will constitute a waiver of his right to do so.

The Wing Staff Judge Advocate (SJA) reviewed the case and found it legally sufficient to support a finding that the applicant was subject to discharge for minor disciplinary infractions.

Applicant was discharged on 12 January 1996 under the provisions of AFI 36-3208 (Misconduct) and his service was characterized as general, under honorable conditions. He served 2 years and 29 days of active military service.

AIR FORCE EVALUATION:

The Air Force Discharge Review Board (AFDRB) considered applicant's request for an upgrade of discharge to honorable and a change in the narrative reason for separation. The AFDRB, on 31 October 1997, found that neither evidence of record nor that

provided by the applicant substantiates an impropriety which would justify an upgrade of, or change of reason for discharge. However, based upon the record and the evidence provided by the applicant, the board found that the applicant's characterization of discharge was inequitable. The AFDRB further concluded that the overall quality of the applicant's service was more accurately reflected by an honorable discharge and should be changed to Honorable. However, the AFDRB determined that the reason for discharge was appropriate due to the factors of the case and that no change of the reenlistment code was warranted other than the change from 2B to 2C reflecting the honorable characterization now in effect. In accordance with policy, the application was forwarded to this Board for further consideration.

A copy of the AFDRB Brief is attached at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The AFDRB Brief was forwarded to the applicant for review and response within 30 days and in accordance with policy, was subsequently forwarded to this Board for further consideration. As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After a thorough review of the evidence of record and applicant's submission, we are not persuaded that his narrative reason for discharge should be changed from "Misconduct" to "Convenience of the Government." His contentions are duly noted; however, we do not find these uncorroborated assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Air Force Discharge Review Board (AFDRB). We note that when the applicant requested relief for a change in his characterization of discharge and a change of narrative reason for discharge, the AFDRB did upgrade applicant's discharge to honorable from general under honorable conditions. The AFDRB concluded that the overall quality of the applicant's service was more accurately reflected by an honorable discharge. However, the AFDRB determined that the reason for discharge (Minor Disciplinary Infractions) was appropriate due to the factors of the case. We fully concur with the findings of the AFDRB and adopt their rationale as the basis for our decision that the applicant has failed to sustain his

burden that he has suffered either an error or an injustice. Therefore, we find no compelling basis to recommend granting the relief sought.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 14 July 1998 under the provisions of AFI 36-2603.

Ms. Patricia J. Zarodkiewicz, Panel Chair
Mr. Loren S. Perlstein, Member
Mr. Dana J. Gilmour, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 14 May 97.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. AFDRB Hearing Record, dated 31 Oct 97, w/atchs.


PATRICIA J. ZARODKIEWICZ
Panel Chair